

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)

vs.)

ABDULLAHI SADE AFYARE)

NO. 3:10-00260-02
JUDGE HAYNES

MOTION TO CONTINUE HEARING

GRANTED
This motion
is DENIED, but
the record
will remain open
until counsel
secures the cited
affidavit.
Will [signature]
9-16-13

Comes the Defendant, Abdullahi Sade Afyare, through undersigned counsel, James A. Simmons, and moves this Honorable Court to reschedule the evidentiary hearing for the Motion to Dismiss the Indictment Based Upon the Age of Abdullahi Sade Afyare. (DE 3273). The hearing is currently scheduled for Friday, September 20, 2013, at 9:00 a.m. (DE 3083).

As grounds for this motion, counsel would show that on September 11, 2013, he spoke, via telephone, with a material witness who is presently in Mogadishu, Somalia. The witness indicated that he was present at the time of Abdullahi Sade Afyare's birth and will prepare and forward an official document attesting to his knowledge of the actual date of birth. Additional time is requested to receive and file these documents.

Counsel has spoken with Van Vincent, AUSA, who is not opposed to this motion for the reasons stated.

Counsel would request that the hearing be set the afternoon of September 26, 2013 or the afternoon of September 27, 2013.

Wherefore, for the foregoing reasons, it is respectfully requested that the evidentiary hearing for the Motion to Dismiss the Indictment be rescheduled.